



THE CITY OF NEW YORK  
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January 22, 2019

**VIA ECF**

Honorable Lois Bloom  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: James Benbow v. P.O. Feeley, et al.  
17 Civ. 6457 (AMD) (LB)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent Defendants Rosiello, Anderson, and Minucci. I write in compliance with Your Honor's Order, dated December 14, 2018 (ECF No. 38), instructing this Office to "file a status report regarding plaintiff's underlying criminal proceedings by 2/1/2019, or as soon as plaintiff's criminal proceeding resolves, whichever is earlier." Upon information and belief, Plaintiff's underlying criminal proceedings have concluded. Based on my communications with the Kings County District Attorney's Office, Plaintiff has been sentenced to a term of 1.5 to 3 years in prison.

This Office, however, requests that the Court extend its stay of this matter until February 1, 2019, due to a pending Civilian Complaint Review Board ("CCRB") investigation of the facts underlying the instant lawsuit. Upon information and belief, CCRB's preliminary investigation of the matter has concluded and its final determination is scheduled to take place on January 24, 2019. Because, on account of the law enforcement and deliberative process privileges, the parties may not access the records of the CCRB investigation while it is pending, neither party can effectively litigate and/or evaluate this matter until a final disposition of the investigation has been made.

Accordingly, this Office respectfully requests that the Court stay the instant action until February 1, 2019 – after currently anticipated close of the CCRB investigation. In the event that the Court grants the request, this Office submits that it will provide the Court with a status update regarding the CCRB investigation by such date.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Joshua A. Weiner

cc: **VIA FIRST CLASS MAIL**

James Benbow

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Ulster Correctional Facility

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